

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

\_\_\_\_\_  
ANTONIO GIACCONE and RITA GIACCONE,

X

Plaintiffs,

Civil Action No.

-against-

**NOTICE OF REMOVAL**

CANOPIUS US INSURANCE, INC. i/s/h/a  
CANOPIUS US INSURANCE COMPANY,

Defendant.

\_\_\_\_\_  
X

PLEASE TAKE NOTICE that on this date, defendant CANOPIUS US INSURANCE, INC. i/s/h/a CANOPIUS US INSURANCE COMPANY ("CANOPIUS US") in the above entitled action, through its counsel of record, White Fleischner & Fino, LLP, respectfully shows this Court:

1. Petitioner CANOPIUS US is the named defendant in the instant action.
2. The ground for removal of this action is diversity of citizenship of the parties under 28 U.S.C. §1441(b) as none of the parties in interest properly joined and served as defendant(s) are a citizen of the State in which such action is brought.
3. The state of incorporation of defendant CANOPIUS US is Delaware.
4. The principal place of business and statutory home office of defendant CANOPIUS US is 1450 American Lane, Suite 1775, Schaumburg, Illinois 60173.
5. Plaintiff ANTONIO GIACCONE is a citizen and resident of the State of New Jersey.
6. Plaintiff RITA GIACCONE is a citizen and resident of the State of New Jersey.
7. There are no parties to this action which can be ascertained at this time who are believed to reside in New Jersey, other than plaintiff.

8. On or about September 22, 2014, Plaintiffs filed the Summons and Complaint in this action against CANOPIUS US in the Superior Court of New Jersey, Law Division, Atlantic County. A true and correct copy of the Summons and Complaint served in this action is attached as **Exhibit "A"**.

9. The Summons and Complaint were served on defendant CANOPIUS US by serving the New Jersey Department of Banking and Insurance on October 9, 2014.

10. Plaintiffs allege that they reside at 607 N. Lafayette Avenue, New Jersey 08406.

11. Plaintiffs' First Cause of Action alleges Breach of Contract based on defendant CANOPIUS US' alleged failure to pay benefits to Plaintiffs under insurance policy number OUS016008388 for damages to the premises located at 118-124 S. Main Street, Pleasantville, New Jersey 08232. Plaintiffs seek compensatory damages, attorney's fees and costs of suit for this cause of action.

12. Plaintiffs' Second Cause of Action allege Bad Faith based on defendant CANOPIUS US' alleged breach of its duty of good faith and fair dealing to the Plaintiffs in processing their claim. Plaintiffs seek punitive damages, attorney's fees and costs of suit for this cause of action.

13. Upon information and belief, Plaintiffs seek recovery in excess of \$75,000 exclusive of interest and costs.

14. This Court has original jurisdiction of this civil action pursuant to 28 U.S.C. §1332 because there is complete diversity in the matter and the amount in controversy exceeds the sum of \$75,000 exclusive of interest and costs.

15. This Notice is filed with the Court within thirty (30) days of Defendant's receipt, through service or otherwise of a copy of the initial pleading setting forth the claim for relief

upon which such action or proceeding is based, as provided by 28 U.S.C. §1446(b). Thus, this removal is timely.

WHEREFORE, defendant CANOPIUS US INSURANCE, INC. i/s/h/a CANOPIUS US INSURANCE COMPANY pray that the instant action now pending before Superior Court of New Jersey, Law Division, Atlantic County, be removed therefrom to the United States District Court for the District of New Jersey and for such other and further relief as this Court deems just and proper.

Dated: New York, New York  
November 4, 2014

Yours, etc.,

WHITE FLEISCHNER & FINO, LLP

By:   
Jared Greisman (JG 6983)

Attorneys for Defendant

CANOPIUS US INSURANCE, INC. i/s/h/a

CANOPIUS US INSURANCE COMPANY

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New York, New York 10006

(212) 487-9700

Our File No.: 446-17360L

TO: (See Attached Affidavit)